

Congress of the United States
Washington, DC 20510

March 21, 2005

President George W. Bush
The White House
Washington, DC 20500

Licenciado Vicente Fox
Presidente de Los Estados Unidos Mexicanos
Residencia Oficial de Los Pinos
Colonia San Miguel Chapultepec
11850 Mexico, DF

Dear President Bush and President Fox:

More than three years ago, the Democratic leadership of the United States Congress wrote you to emphasize our strong belief in the value of our relationship, the importance of cooperation between the United States and Mexico, and to set forth our views on the critical issue of immigration. At the time of your meeting, just days before the tragic events of September 11, 2001 and months after the historic elections in Mexico, momentum was building for comprehensive reform of American immigration laws.

In this post-September 11th era, it is now more important than ever that we address the gap between our immigration laws and reality. It is crucial that our federal government know who is crossing our borders and living in this country. To accomplish this goal, we believe the United States needs immigration laws that take our security into consideration and, at the same time, are realistic, humane, and fair. We believe there should be effective and efficient enforcement of these laws.

Few issues have such a profound impact on the bonds between our two historically and economically interdependent peoples as immigration. We offer the following statement of principles and ask that you bear them in mind as you proceed in your discussions concerning proposals for reform of migration policies.

Family Reunification

The current statutory ceilings for family and employment-based immigrant visas, last revised by Congress in 1990, are wholly inadequate and have resulted in long backlogs that keep family members separated for many years. Permanent residents of the United States currently must wait more than four years to be reunited with their husbands, wives, and children seeking to immigrate legally from overseas. For residents with spouses and children in Mexico, the wait is even longer, at more than seven years.

We need to reunify families and allow husbands and wives and parents and children to remain together. To accomplish this goal, not only do we need to reduce the time it takes for the U.S. Citizenship and Immigration Services (USCIS) to approve family-based and employment-based petitions, but we also need to adjust the current family and employment immigrant visa ceilings.

Earned Access to Legalization

An earned legalization program would enhance our national security by adjusting the status of the many hard-working, tax-paying immigrants who have resided in the United States for many years. Our economy depends on the undocumented immigrants in our workforce and it is neither in the best interest of the workers nor their employers for the workers to remain undocumented. Such a program would allow immigrants to come out of the shadows and to be identified and registered as living in the United States, so that our nation can use its resources more effectively to root out terrorists.

Eligible immigrants should be long-time residents with a strong work history in the United States and no criminal record, who are able to pass a background check. Permanent residence should be available to those otherwise eligible to become U.S. citizens, who are enrolled in English language and U.S. civics courses, and who demonstrate ties to their community.

Border Safety and Protection

We must provide security, safety, and stability at our borders. We are committed to ensuring that our border patrol agents have the necessary resources to enforce the law. At the same time, we also have the responsibility to ensure safety and due process protections at our borders.

Establishing a comprehensive immigration policy will result in orderly entry at our borders and will enhance our ability to enforce our immigration laws, allow us to crack down on drug trafficking and smuggling, and assist our efforts to protect our national security.

Enhanced Temporary Worker Program

An enhanced temporary worker program should provide an appropriate mechanism for workers who wish to move between their home countries and ours to benefit from new economic opportunities and serve as a way for recent arrivals to the U.S. to earn permanent status. Any such program must be structurally different from past guestworker programs to avoid their troubling legacy of exploitation and abuse.

Any temporary worker program must not undermine the jobs, wages, and legal protections of U.S. workers. It is important that both immigrants and U.S. citizens have meaningful access to educational opportunities and job advancement that increase economic success for all and contribute to the economic well-being of our nation. The program must, therefore, be market focused to ensure that U.S. workers are not displaced.

Participants in an enhanced temporary worker program must be given the same labor protections afforded U.S. workers, including the right to organize, the right to change jobs freely -- not only between employers, but across economic sectors -- and the fully enforced legal protection of their wages, hours, and working conditions. Anything else would not only subject migrants to abuse, but would also undermine the wages and working conditions of U.S. workers.

Civil Liberties

We believe the civil liberties and constitutional rights of immigrants and visitors must be respected, without discrimination against particular groups or communities. Immigration judges, operating through fair and open hearings and subject to meaningful judicial review, can provide the due process required by the Constitution only if their independence and impartiality is respected. We oppose mandatory and indefinite detention of immigrants and support adherence to guidelines that assure appropriate conditions of detention, including access to legal counsel. The rights and welfare of children must be a priority and unaccompanied minors deserve special protections, including guardians ad litem and a right to counsel.

We believe that state and local police should not enforce federal immigration law, but rather the federal government should fully bear that responsibility. To extend such authority to local law enforcement would undermine the safety of our communities by eroding the trust that has developed between police and immigrant communities. It would also spread local resources too thin and undermine our country's ongoing efforts to combat terrorism and secure our homeland.

Immigrant Student Adjustment

Tens of thousands of young students, despite their successes both in and out of the classroom, face a future of uncertainty due to limited access to affordable tuition, restrictions on financial aid, and undocumented immigration status. Given that so many of these students were brought by their parents to the United States at a young age and are undocumented through no

fault of their own, we are committed to supporting these dedicated students in their efforts to reach their educational goals.

We support legislative initiatives that would grant states the right to decide who is a resident of their state for purposes of higher education benefits and grant immigrant students lawful permanent resident status, as well as full and equal access to federal financial aid.

We stand ready to work with you both to help advance a new paradigm for immigration policy. We believe there is once again growing bi-partisan support and momentum in Congress for the objectives we have outlined. It is long past time to create immigration policies that reunite families, meet the labor needs of America's economy, secure new economic stability for Mexico, and honor the values of both countries. We appreciate your consideration of our principles and look forward to working with you to make our common goals a reality.

Respectfully,



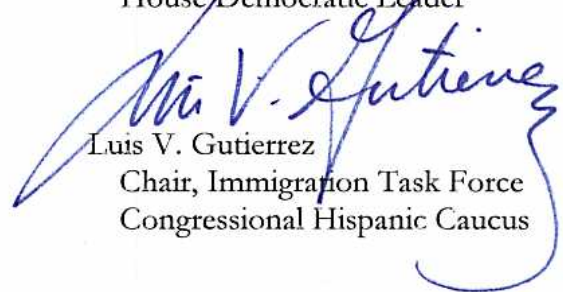
Harry Reid
Senate Democratic Leader



Grace Flores Napolitano
Chair
Congressional Hispanic Caucus



Nancy Pelosi
House Democratic Leader



Luis V. Gutierrez
Chair, Immigration Task Force
Congressional Hispanic Caucus